

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

FRANK BINKLEY, on Behalf of Himself
and Others Similarly Situated,

Plaintiff,

vs.

No. 3:06cv00168 SWW

BAYER CROPSCIENCE, BAYER
CROPSCIENCE LP, AVENTIS
CROPSCIENCE USA, INC.,

Defendants.

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ORDER

Plaintiff's motion for preliminary injunction or corrective notice [doc.#10], in which plaintiff requests that defendant Bayer modify its website to reflect that the testing recommended by defendant is not sufficient to ensure acceptance of U.S. rice by the European Commission, is denied as moot, defendant representing to the Court that it has so modified its website.¹

Also before the Court is separate defendants' motion [doc.#9] to stay the parties' obligations under Federal Rules of Civil Procedure 16 and 26, pending the resolution of a motion to transfer in an earlier similar case filed by plaintiff's counsel, *Parson v. Bayer CropScience LP*, No. 4:06cv1078 (the first filed action in this district), asking that the Judicial Panel on Multidistrict Litigation (the Panel) consolidate all similar actions before a single federal district

¹ By letter dated November 20, 2006, counsel for plaintiff requested a hearing on their motion for preliminary injunction prior to a November 30, 2006 hearing before the Judicial Panel on Multidistrict Litigation. By letter dated that same day, defendant informed plaintiff of the changes to its website and requested that plaintiff's motion be withdrawn. Plaintiff apparently did not respond to this letter. In any case, defendant subsequently filed its response to plaintiff's motion again stating that it has changed its website to reflect the concerns of plaintiff and that the motion for preliminary injunction is now moot.

court.² Although plaintiff objects, this Court hereby grants separate defendants' motion to stay. Accordingly, the parties' obligations under Federal Rules of Civil Procedure 16 and 26 in this case are stayed. In the event that the Panel grants the motion to transfer, the stay in this case will remain in effect until the transferee court enters a new scheduling order. In the event that the Panel denies the motion to transfer, defendants shall promptly inform the Court, in order that a new initial scheduling order can be entered in this case.

IT IS SO ORDERED this 27th day of November, 2006.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

² Plaintiff's motion for preliminary injunction apparently was only filed in the *Binkley* case.